

In the Claims:

Please amend claim 26 as follows:

26. (Twice Amended) A telephone for use with a first network having a predetermined allocated bandwidth and a second network having a variable bandwidth, the telephone comprising:

an interface circuit that selectively couples to the first and second networks, the first and second networks operating substantially independent of one another;

a user interface;

processing circuitry, coupled to the user interface and the interface circuit, that directs the interface circuit to select one of the first and second networks;

a microphone capable of being selectively coupled to the first and second networks via the interface circuit; and

an analog to digital converter that is coupled by the interface circuit between the microphone and the second network under the control of the processing circuitry when the second network is selected;

wherein the processing circuitry responds to the user interface to determine which of the first and second networks to select.

Please cancel claims 29 to 34, without prejudice or disclaimer.

Please add the following claims:

38. A telephone system comprising

(a) a microphone for use with a first network having a predetermined allocated bandwidth and a second network having a variable bandwidth, the microphone being capable of being selectively coupled to said first and second networks;

(b) an interface circuit interposed between said microphone and said first and second networks, said interface circuit in a first operating condition coupling said microphone with the first network, said interface circuit having an analog to digital

converter capable of being connected between said microphone and said second network in a second operating condition of said interface circuit;

(c) a user interface; and

(d) processing circuitry coupled to the user interface and the interface circuit for selectively placing the interface circuit in the first and second operating conditions to select one of the first and second networks;

(e) wherein the processing circuitry responds to the user interface to determine which of the first and second networks to select.

### REMARKS

#### **Claim Rejection - 35 U.S.C. § 112**

Claims 26 - 28 and 35 - 37 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner has objected to claim 26 as failing to make clear any connection between the microphone and the first network or the selector. Claim 26 has been accordingly amended in order to clarify claim 26 with respect to the microphone. The Examiner has further stated that claim 26 is silent as to why one would select one network over the other. As explained for example, with reference to FIG. 60, block 6003, the source device may offer to the user (or user software) routes along with the associated costs (page 302, lines 3-8). It is respectfully submitted that it is not appropriate to specify in the claims the reason for the selection which may be arrived at in the mind of a user. For example, depending on the urgency of the call, the user may select a higher cost medium which recent experience has shown to be more reliable, or have greater fidelity and less noise. It is the province of the specification to teach one skilled in the art that the cost of the different routes (see e.g. page 295, line 21 to page 296, line 2) is to be presented as at 6003, FIG. 60; one skilled in